

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	Thomas J. Balkin et al.	Confirmation No.:	4164
Serial No.	:	10/757,480	Examiner:	Robert L. NASSER
Filed	:	January 15, 2004	Group Art Unit:	3735
Title	:	METHOD AND SYSTEM FOR PREDICTING HUMAN COGNITIVE PERFORMANCE		

**RESPOSNE TO ELECTION REQUIREMENT**

United States Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This paper is being filed in response to the Restriction/Election Requirement mailed on June 15, 2007. Concurrently with the electronic filing of this document, extension fees are paid.

Pursuant to that Office Action and 37 C.F.R. §1.143, Applicant elects Species I drawn to FIG. 4. Applicant respectfully submits that claims 1-3 and 23-36 are readable on the selected species, the concurrently filed Preliminary Amendment cancels claims 4-22 without prejudice. Applicant respectfully submits that these claims are generic to both species as defined by the Examiner on page 2 of the Restriction/Election Requirement, because none of the claims as written require performance of all of the steps illustrated in FIGS. 4 and 8. The use of "task" in claims 23-34 relates to the ability of an individual to perform a task (i.e., the individual's current cognitive level), not that the task being performed impacts the cognitive level as illustrated in FIGS. 4 and 8.

Applicant respectfully requests that the Examiner withdraw the restriction/election requirement and proceed on the merits for all of the pending claims.

Respectfully submitted,  
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